

ORDINANCE 22-11

AN ORDINANCE AMENDING TITLE 20 OF THE SPRINGFIELD MUNICIPAL CODE BY AMENDING CHAPTER 2 ENTITLED “TEMPORARY FOOD VENDOR REGULATIONS”

Whereas, the Springfield Board of Mayor & Aldermen passed Ordinance 18-15 establishing temporary food vendor regulations which was later amended by Ordinance 21-09; and

Whereas, it has become the desire of the Board of Mayor and Aldermen to further amend the temporary food vendor regulations to allow for a one-day permit; and

Whereas, the staff of the City of Springfield recommends that the temporary food vendor regulations be amended to establish said permit and ease the application process.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of Springfield, Tennessee as follows:

Section 1. Title 20, Chapter 2 of the Springfield Municipal Code entitled “Temporary Food Vendor Regulations” is hereby amended by amending Section 20-204 entitled “Locations and Hours of Operation” as set forth in "Exhibit A" attached.

Section 2. Title 20, Chapter 2 of the Springfield Municipal Code entitled “Temporary Food Vendor Regulations” is hereby amended by amending Section 20-206 entitled “Mobile Food Service Permits” as set forth in "Exhibit A" attached.

Section 3. This ordinance shall become effective on the date of adoption.

Section 4. All ordinances, resolutions, and policies in conflict herewith are rescinded to the extent of the conflict only.

Passed on 1st reading May 17, 2022

Passed on 2nd reading June 21, 2022



Ann Schneider, Mayor



Lisa H. Crockett, City Recorder

Ordinance 22-11
"Exhibit A"

SECTION 20-204 LOCATIONS AND HOURS OF OPERATION.

(A) *Food Trucks*

(3) *Private property.* Food Trucks may operate on private property where there is a commercial, office, educational, or industrial use. Food Trucks shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized, written permission statement from the property owner(s) including a 24-hour contact number of the property owner(s) for each location the food truck intends to operate upon request.

SECTION 20-206 MOBILE FOOD SERVICE PERMITS.

(A) *Applicable.* No Mobile Food Service Vehicle may operate within the City without a Mobile Food Service Permit issued by the City. A Mobile Food Service Permit authorizes the holder to engage only in the vending of products from a Mobile Food Service Vehicle in compliance with City Codes and as specified on the permit. The Mobile Food Service Permit must be prominently displayed when the Mobile Food Service Vehicle is in operation.

(B) *Application.* A Mobile Food Service Vehicle operator shall apply for either an annual Mobile Food Service Permit or a one-day Mobile Food Service Permit. The annual permit fee shall be \$250 and the one-day permit fee shall be \$50. Application may be made by payment of the application fee and the following:

- (1) Complete an application form provided by the City Clerk, which shall include the following information:
 - (a) Name and address of the owner of the vehicle;
 - (b) Name and address of the operator of the vehicle;
 - (c) Three color photographs of the exterior (front, side, and back) and interior food service portions of the vehicle in the final condition and with all markings under which it will operate;
 - (d) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the Mobile Food Service Vehicle.
 - (e) A copy of the state or county health department license or permit applicable to mobile food providers; and
 - (f) A certificate of insurance coverage.
- (2) Permittee has an on-going duty to provide the City with notice of any change to any of the information required by the City to obtain a Mobile Food Service Permit, including current photographs of the Mobile Food Service Vehicle in the event of any change in the appearance of or signage on the vehicle.
- (3) This section does not apply to contractual arrangements between a Mobile Food Service Vehicle Operator and an individual, group, or the City for catering at a specific location, for a period of not more than four (4) hours that is not open to or serving the public.

(C) *Issuance.* A Mobile Food Service Permit shall be issued upon full completion and review of the application required by this section except that no Mobile Food Service Permit will be issued to an Operator, or any person affiliated with the Operator, for purposes of operating a Mobile Food

Vehicle that is the subject of a suspended Mobile Food Service Permit or has had a Mobile Food Service Permit revoked within the prior twelve (12) months. No more than three (3) one-day Mobile Food Service Permits shall be issued to the same operator, vehicle, or establishment in a calendar year. Additionally, no consecutive one-day permits may be issued.

(D) *Expiration.* Annual Mobile Food Service Permits expire at the end of the calendar year during which the permit was issued. A new application with supporting documentation is required for renewal and issuance of a permit for the following calendar year. One-day Mobile Food Service Permits expire at 11:59pm on the authorized date.

(E) *Transferability.* A Mobile Food Service Permit may not be transferred.

(F) *Enforcement.*

(1) *Enforcing Authority.* The City of Springfield Police Department and the City of Springfield Codes Department shall have authority to investigate and address violations of the regulations set forth in Title 20, Chapter 2.

(2) *Violations.* If an Operator is found to be in violation of any part including the failure to obtain a permit, the violation will be enforced by warning or citation.

(a) *Warnings.* The enforcing authority may issue one (1) warning to any Operator for a violation of this section except in the case of an Operator's failure to obtain a permit.

(b) *Citation.* The enforcing authority will issue citations to any Operator as notice of the violation and a scheduled time to appear to answer the violation.

(3) *Penalties.* An Operator cited for a violation is subject to the penalties set forth below:

(a) *Failure to Obtain a Permit.* Any Mobile Food Service Vehicle failing to obtain a permit is in violation of this section and is subject to pay double the current permit fee on the first offense. On second and subsequent offenses, the operator may pay an increased fee or be disallowed from operating within the City.

(b) *Suspension.* A Mobile Food Service Permit shall be suspended upon the issuance of a citation and pending the disposition of violation proceedings and the satisfactory completion of any requirements to become compliant with all regulations.

(c) *Revocation.* The City shall revoke a Mobile Food Service Permit after two (2) suspensions within a twelve (12) month period or if the Operator fails to show satisfactory compliance within ninety (90) days after being cited for a violation.

(d) *Fees.* The Operator will pay a fee of \$250 to offset the City's costs of compliance measures, inspections, and correction of any circumstance resulting from Operator's failure to comply with the provisions of Title 20, Chapter 2.

(4) *Reinstatement*

(a) *Suspension.* An Operator may apply for reinstatement of a suspended Mobile Food Service Permit after the payment of the fee set forth in § 20-206(F)(3)(d), completion of necessary inspections, and the correction of any circumstance that lead to the suspension.

(b) *Revocation.* The City may allow an Operator to reapply for a Mobile Food Service Permit after three (3) months from the date of revocation. The Operator must show that all circumstances that lead to the violations have been corrected, and the Operator must pay the fee of \$250 to offset the City's costs of compliance measures, completion of necessary inspections, and the correction of any circumstance that lead to the suspension.

(G) *Notice.* Upon denial, suspension or revocation of a Mobile Food Service Permit, the City shall give notice to the Operator in writing. There shall be no refund of any other fee paid to the City.